



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

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April 28, 2010

Reply To: ECL-111

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RE: UCR Sturgeon Toxicity Tests – EPA Request for Support and Assistance

Dear Dan, Patti, Randy, and John,

I am writing to request your assistance in getting the planned sturgeon sediment toxicity work done this year. As you know, the timing of sturgeon toxicity tests is driven by the availability of sturgeon eggs. If we miss the June window to begin the tests, the earliest we could start would be next year. EPA's technical team believes we are very close to agreement on a study design that will produce good, usable data. EPA believes that conducting this work now is important to the RI/FS. The tests are experimental and, if they fail, we will have adequate time to adjust the test and repeat it as adjusted without delaying the RI/FS schedule. If we wait until next year and the test fails, it will likely delay the RI/FS schedule.

EPA is aware that the time for review of the Quality Assurance Project Plan (QAPP) is significantly shorter than the review times we agreed to in our Memorandum of Agreement. EPA is requesting that you make an exception in this instance, and provide any additional comments on the QAPP within the next few days, and assist EPA in securing the permits that will be needed for the sampling to occur before the end of May.

Our request for you to expedite review of the sturgeon sediment toxicity work is an exception. EPA is developing a series of gantt charts for the remaining programs for this year and next, which include ample review and comment time for the Participating Parties. You will get draft copies of the gantt charts prior to our May 12 MOA review meeting. We can begin a discussion of schedule there and continue it in subsequent meetings if needed.

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EPA reviewed the QAPP thoroughly. EPA's technical team, including EPA's experts in aquatic toxicology, will not recommend approval of the QAPP unless it will generate useful and reliable information for the RI/FS. Our experts include Marc Greenberg, Chris Ingersoll, and Don MacDonald.

This is not the only study that will be done to assess risk to sturgeon. As you know, USGS is currently working on a QAPP for water-exposure toxicity tests and those tests will be conducted at the USGS lab this year. In addition, EPA's sturgeon Level of Effort (LOE) paper describes the additional studies that will be needed to fill data gaps in the assessment of risk to sturgeon, including and assessment of dietary risk.

Recognizing the experimental nature of the tests, EPA is working diligently to assist Teck in the design and implementation of the tests to ensure a high quality study. If the study does not generate the results we need, EPA will continue to require work until the data gap identified in our LOE paper is filled. The sturgeon program will not be complete until EPA determines that sufficient data has been collected to support risk management decisions.

The schedule from here forward is extremely tight. Key dates are as follows:

April 5 -- QAPP delivered to EPA and Participating Parties

April 22 -- Conference call with EPA, Participating Parties, and Teck. The purpose of this call was two-fold. First, it was an opportunity for EPA and the Parties to seek clarification from Teck on issues that are confusing, missing, or don't make sense in the existing draft. Second, the government team listed and discussed our concerns with the draft, and heard Teck's initial reaction. On some issues, Teck agreed and is happy to make the clarification or addition. On others, the decision will be informed by the methods development work, so the discussion was tabled. Teck agreed to be more specific in the QAPP about which issues will be informed by the methods development work. Some issues were not resolved and will be discussed in more detail on April 29<sup>th</sup>. The two key outstanding issues are:

The exposure period for the test -- Teck proposes a continuous, 60-day exposure, while EPA suggests two exposure periods, to avoid the period during which the fish switch to exogenous feeding.

When to begin exposure -- Teck proposes to expose eggs to water from the test chambers but not expose them to sediment, and to introduce fish into the sediment exposure chambers as soon as the fish hatch. EPA is concerned that variability in hatching success could introduce additional uncertainty, and proposes maintaining all the eggs in clean water until they hatch, and then introducing newly hatched fry into the chambers.

April 26 -- EPA's technical team provided informal, draft comments to you and to Teck on the draft QAPP. These comments included the written comments EPA has generated and received and received from reviewers to date, as well as the issues raised by EPA and the Participating Parties during the April 22 call.

April 29 -- Meeting in Seattle with EPA, Participating Parties and Teck. At this meeting, Teck will present redline / strikeout text that addresses most of the issues in EPA's letter. Outstanding issues not addressed by Teck, including those issues reserved for further discussion, will be addressed on the 29<sup>th</sup>. The goal of this meeting is to reach agreement on all outstanding issues.

May 3 or 4 (?) -- Teck will produce a revised QAPP. EPA will review the QAPP to determine whether all of our comments have been adequately addressed. If the answer is "yes," EPA will approve the QAPP within a day or two of receiving it. The cultural review process and permitting will begin as soon as the QAPP is approved.

May 5 – 21(?) – Cultural resource review and permitting. This is a very tight schedule, and EPA is requesting any assistance you can provide to assist us in securing the necessary permissions. If needed, this period could slip by a week (ending May 28)

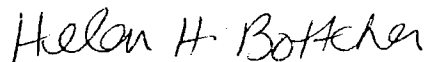
Week of May 24 – samples will be collected. If needed, this period could slip by a week (to the week of May 31).

Early June (?) -- Teck will hold a GoTo Meeting to present the results of the methods development work. The call will allow EPA and the Participating Parties to ask questions and provide feedback on Teck's recommendations.

Mid June – Teck will produce the Methods Development Tech Memo for EPA review and approval. The draft will be shared with the Participating Parties. The memo will be an addendum to the QAPP. EPA's approval of the memo will authorize Teck to begin the toxicity study.

I look forward to your continued involvement and support. As always, feel free to contact me or any of EPA's technical team members with questions, concerns, or suggestions.

Sincerely,



Helen Bottcher  
Project Manager

cc: Monica Tonel, Sheila Eckman, Dan Opalski, EPA/ ECL  
Elizabeth McKenna, EPA/ORC